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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/368,433	FLAVIN, ROBERT ALAN
	Examiner	Art Unit	
	Son P Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 8/10/2004 regarding claims 1-23 have been fully

considered but they are not persuasive.

Regarding Double Patenting Rejection:

Applicant argues the patent claims teach that the announcements must be created by a

party other than the broadcaster of the one or more content streams. In contrast, the

claims of the present application do not require that the announcements be created by a

third party. Thus, the patent claims do not teach that the announcements have to be

created by a third party (page 16, paragraph 3).

In response, Firstly, it is noted that there is a confliction in applicant's argument above

when applicant argues, "the patent claims teach that the announcements must be

created by a party other than the broadcaster of the one or more content streams."

Then concludes, "Thus, the patent claims do not teach that the announcements have to

be created by a third party." (The third party reads on a party other than the broadcaster

of the one or more content streams). Secondly, claim 1 of the present application recites

"wherein each of said one or more announcements was created by a party other than a

broadcaster of said one or more content streams;" (lines 9-10). Thirdly, patent claim 1

recites "...said one ore more announcements being selectively added to said signal by

any of a broadcaster of said signal and a party other than said broadcaster;" (lines 8-

11). Thus, the claim 1 of the present application is broader in scope than patent claim 1.

Applicant further argues the patent claims do not teach or suggest that the

announcements be provided on a first communication channel that is separate from a

second communication channel that provides a content stream (page 16, paragraph 4.

In response, this limitation is not recited in claims 1, 5-6, 11-13.

Regarding Prior Art Rejections:

Applicant argues that the Examiners agreed during the March 23, 2004, personal

interview, neither of the Hendricks et al reference and the Kwok et al. reference teaches

or suggest the features of the present invention including one or more announcements

are not received via the broadcaster (page 17, paragraph 2, lines 1-4).

In response, as indicated in the Interview Summary Record, the examiners explicitly

stated, "proposed amendment appears to overcome Hendricks." Nowhere in the

Interview Summary, the examiners indicate to applicant "neither of the Hendricks et al

reference and the Kwok et al. reference teaches or suggest the features of the present

invention including one or more announcements are not received via the broadcaster,"

as stated by applicant. However, during the interview, the examiners did indicate to

applicant that the proposed amendment needs further review and consideration over

the prior art of record in order to determine if the Prior Art of Record does or does not

teach the feature as claimed in the proposed amendment.

Applicant further argues the references do not teach or suggest "the announcements
are not received via the broadcaster." (page 17, paragraph 3, lines 8-9).
In response, Hendricks discloses the television programs are received from external
program sources (212) at the operations center. The program control signals are
provided by computer assisted packaging equipment (CAP) at the operations center or
at the head end (figures 1-2; col. 6, line 4-col. 7, line 14). Thus, Hendricks teaches the
announcements (program control signals) are not received via the broadcaster (external
sources). Instead, the announcements are received via CAP or a computer at the head
end.

In response to applicant's argument that the examiner's conclusion of obviousness is
based upon improper hindsight reasoning, it must be recognized that any judgment on
obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning.
But so long as it takes into account only knowledge which was within the level of
ordinary skill at the time the claimed invention was made, and does not include
knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.
In this instant, Hendricks discloses a segment announcement receiver comprising: a
receiver section that receives one or more announcements (program control signal),
wherein each of the one or more announcements corresponds to a content being
provided on one or more content streams (video program), wherein each of the one or
more announcements includes: a description about the corresponding content in

content stream, a time at which the content is transmitted, content identifier (title,

channel, time); wherein each of the announcement was created by a party other than a

broadcaster of the content stream (program control signal was created by CAP at

operations center or network controller at the head end) (figures 1-3; 11a; col. 6, line 4-

col. 12, line 63. However, Hendricks does not specifically disclose a controller that

compares the one or more announcements to a filter and that alters a presentation

when the comparison of the one or more announcement to the filter record indicates a

correspondence between the one or more announcements and the at least one user

preference for altering the presentation in the filter record.

Kwoh discloses a controller (command controller 36) that compares the one or more

announcements (data packets, rating level, etc.) to a filter record (data stored in RAM

84) and that alters a presentation (block unacceptable data) when the comparison of the

one or more announcement to the filter record indicates a correspondence between the

one or more announcements and the at least one user preference for altering the

presentation in the filter record (figures 1-6; col. 1, line 65-col. 2, line 33). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Hendricks to use the teaching as taught by Kwoh in order to allow

parent to control data displayed to children.

Applicant additionally argues regarding the means plus function recitations, the

examiner has failed to interpret the claims to read only on the structures or materials

disclosed by the present specification and "equivalents thereof." (page 21, paragraph 3).

In response, claim 13 is interpreted according to its the means plus function recitations

as follow:

means for providing an announcement... (computer station – page 4, lines 18-19);

means for receiving said content stream..(any signal processing device such as

television, video recorder, radio, etc. – page 6, line 17-page 7, line 1);

means for matching...(person 111, page 5, lines 4-15);

means for presenting...(TV or computer screen –page 12, line 3). Therefore, the

claimed segment announcement receiver is met by Hendricks as follow:

means for providing an announcement (computer station) is met by computer station at

operations center such as computer assisted packaging equipment (col. 6, line 31-col.

7, line 47) or computer station as head end (figure 3);

means for receiving said content stream (any signal processing device) is met by the

set top terminal or VCR or television – col. 9, lines 35-48);

means for matching...(person) is met by the programmer at the operations center (col.

6, lines 35-52) or the operator at the head end that modifies the program control

information signal (col. 8, lines 53-67);

means for presenting...(TV or computer screen) is met by television 222 (figure 3) (or

monitor 442 (figures 12, 18) in Kwok reference).

For reason given above, rejections on claims 1-23 and new added claims 24-30 are

discussed below.

Double Patenting

2.   Claims 1, 5-6, 11-13 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1, 3-7 of U.S.

Patent No. 6,005,603 (hereinafter referred to as '603), and in view of Kwoh (US

6,115,057).

Regarding claim 1, claim 1 of '603 recites a segment announcement receiver

comprising: a receiver section for receiving a signal; one or more announcements

carried on the signal, the announcement containing:

a description about one or more of the content streams;

a time at which the content stream is received on the carrier signal, and

a content stream identifier, the one or more announcements being selectively added to

the signal by a party other than a broadcaster of the stream; and

a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added to signal by a

party other than the broadcaster of the signal). It is obvious that the one or more

announcements correspond to a content being provided on the one or more content

stream in order to provide information of the content stream. However, claim 1 of '603

does not recites a controller that compares the one or more announcements to a filter

record and that alters a presentation when the comparison of the one or more

announcement to the filter record indicates a correspondence between the one or more

announcements and the at least one user preference for altering the presentation in the

filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Flavin to use

the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

Regarding claim 5, claim 3 of '603 recites a segment announcement receiver

comprising:

a first receiver section for receiving one or more content streams on a content carrier

signal;

a second receiver section for receiving one or more announcements, each of the

announcements containing a description about one or more content streams, a time at

which the content stream is received by the first receiver section, and a content stream

identifier, and

a controller that performs a function in a signal processing device determined by the

description and the time, wherein one or more announcements being selectively added

to the signal by a party other than a broadcaster of the stream. Inherently, the

announcement is not received via the broadcaster (added to signal by a party other than

the broadcaster of the signal). It is obvious that the one or more announcements

correspond to a content being provided on the one or more content stream in order to

provide information of the content stream. However, claim 3 of '603 does not recites a

controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Regarding claim 6, claim 4 of '603 recites a segment announcement system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing a description about one or more of the content streams; and

a transmitter section that sends the announcement to one or more receivers, the one or more announcements being selectively added to the signal by a party other than a broadcaster of the content streams. Inherently, the announcement is not received via the broadcaster (added to signal by a party other than the broadcaster of the signal). It is obvious that the receivers comprises a controller that alters a presentation of the one or more content streams in accordance with the description and the time from a

corresponding announcement in order to change the presentation in accordance with the description and time created by the party. However, claim 4 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Regarding claim 11, claim 5 of '603 recites a closed circuit transmission system

comprising:

one or more segment announcer system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing

description about one or more of the content streams and a time associated with the

content stream;

a transmitter section that sends the announcement over a communication network; and

one or more segment announcement receivers comprising:

a receiver section for receiving the announcement and the content stream;

a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added in the signal

by a party other than the broadcaster of the signal). However, claim 5 of '603 does not

recites a controller that compares the one or more announcements to a filter record and

that alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Flavin to use

the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

Regarding claim 12, claim 6 of '603 recites a process comprising:

receiving one or more content streams,

receiving one or more announcements having one or more description about the

content of one or more of the content stream, the one or more announcements being

selectively added to a content stream by a party other than a broadcaster of the content

stream;

matching one or more of the descriptions to one or more of the content streams; and

performing a function during the processing of one of the content streams if the content

stream being processed matches one or more of the descriptions. Inherently, the

announcement is not received via the broadcaster (added to signal by a party other than

the broadcaster of the signal). However, claim 6 of '603 does not recites a controller that

compares the one or more announcements to a filter record and that alters a

presentation when the comparison of the one or more announcement to the filter record

indicates a correspondence between the one or more announcements and the at least

one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Flavin to use

the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

Regarding claim 13, claim 7 of '603 recites a segment announcement receiver

comprising:

means for receiving one or more announcement having one or more descriptions about

the content of one or more of the content streams, the one or more announcements

being selectively added to a content stream by a party other than a broadcaster of the

content stream;

means for receiving one or more content streams;

means for matching the description of the content; and

means for performing a function during the processing of one of the content streams if

the content stream being processed matches one or more of the description. Inherently,

the announcement is not received via the broadcaster (added to signal by a party other

than the broadcaster of the signal). However, claim 7 of '603 does not recites a

controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Flavin to use

the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

3.   Allowance of claims 1, 5-6, 11-13 would result in an un-warranted timewise

extension of the monopoly granted for the invention as defined in claims 1, 3-7 of patent

number 6,005,603. Therefore, the double patenting rejection is justified.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7, 9-23, 25-26 and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hendricks (US 5,798,785) in view of Kwoh et al. (US 6,115,057).

Regarding claim 1, Hendricks discloses a delivery system comprising operation center

202 receives television programs from external program sources 212 (sporting events,

children's programs, special channels, news, etc.), the received television programs

then packaged into the groups and categories. After the CAP packets the programs, it

creates a program control information signal to be delivered with the program package.

The program control information contains a description of the contents of the program

package, commands to be sent to the cable head end and/or set top terminal and other

information relevant to the signal transmission (see col. 6, line 4-col. 7, line 14). The

program control information is received, stored, and modified by network controller 214

at the headend 208 prior to be sent to set top terminal (figures 1-3, col. 6, lines 4; col.

12, line 40+). Hendricks further discloses the program control signal includes: number of

program categories, names of program categories, what channels are assigned to a

specific category (such as special channels), names of channels, name of programs on

each channel, program start times, length of programs, description of programs, menu

assignment for each program, pricing, whether there is a sample video clip for

advertisement for the program, and any other program, menu or product information

(see col. 12, lines 54-63) rating 1166 (figure 11a) ; In addition, Hendricks teaches the

terminal creates a personal profile for the particular viewer. Using the data in the

particular viewer's personal profile, subscriber mood information and the television

program information available in the program control information signal, the

microprocessor 602 in the set top terminal 220 is able to select a group of programs,

which the particular viewer is most likely watch (see col. 29, line 1- col. 38, line 33).

Thus, Hendricks teaches a segment announcement receiver (set top terminal 220 and

display) comprising:

a receiver section (tuner 603 and modem 627) that receives one or more

announcements (program control signal or set top terminal control information stream

(STTCIS); wherein each of the one or more announcement corresponds to a content

(television program) being provided on the one or more content streams (content of

program packets), wherein each of the one or more announcement includes:

a description about the corresponding content in the one or more of the content streams

(category, rating, etc.);

a time at which the corresponding content is transmitted on the signal; and content

identifier,

wherein each of the one or more announcement was created by a party (CAP at

operation center or network controller 214 at headend 208) other than the broadcaster

(external sources); and wherein the announcement is not received via the broadcaster

(the program control information is created by CAP at operations center, and modified

by network control 214 at the headend, it is not received via external networks).

Hendricks also discloses parental lock (col. 14, line 14); and the user can select to

control program display based on program rating (col. 32, lines 15-19). However,

Hendricks does not specifically disclose a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Regarding claim 2, Hendricks teaches the description includes a category (see col. 12, lines 54-63).

Regarding claim 3, Hendricks teaches the signal processing device is any one of ore of the following: a television, a radio, a closed circuit television, a video recorder, and a computer (figures 3, 4, 6).

Regarding claim 4, Hendricks teaches the presentation is by a television 222 (see figure 3).

Regarding claim 5, Hendricks discloses a delivery system comprising operation center 202 receives television programs from external program sources 212, the received television programs then packaged into the groups and categories. After the CAP packets the programs, it creates a program control information signal to be delivered with the program package to the cable head end and/or set top terminal 220. The program control information is received, stored, and modified by network controller 214 at the headend 208 prior to be sent to set top terminal (figures 1-3, col. 6, lines 4; col. 12, line 40+). The set top box received television by tuner 603 (see figure 4); and program control information signal can be sent directly from the Operation center 202, processed by the network controller 214 and then forwarded to the set top box, or transmitted over telephone lines (see col. 19, lines 30-35) The program control information contains a description of the contents of the program package, commands

to be sent to the cable head end and/or set top terminal and other information relevant

to the signal transmission (see col. 6, line 4-col. 7, line 14). Hendricks further discloses

the program control signal includes: number of program categories, names of program

categories, what channels are assigned to a specific category (such as special

channels), names of channels, name of programs on each channel, program start

times, length of programs, description of programs, menu assignment for each program,

pricing, whether there is a sample video clip for advertisement for the program, and any

other program, menu or product information (see col. 12, lines 54-63) rating 1166 (figure

11a). The program control information can be transmitted to set top terminal over

telephone line connected modem 627 (see col. 19, line 29+). In addition, Hendricks

teaches the terminal creates a personal profile for the particular viewer. Using the data

in the particular viewer's personal profile, subscriber mood information and the

television program information available in the program control information signal, the

microprocessor 602 in the set top terminal 220 is able to select a group of programs,

which the particular viewer is most likely watch (see col. 29, line 1- col. 38, line 33).

Thus, Thus, Hendricks teaches a segment announcement receiver (set top terminal 220

and display 222) comprising:

a first receiver section (tuner 603) that receives one or more content streams on a

content carrier signal (content of program packet);

a second receiver section (modem 627) that receives one or more announcements

(program control signal) created by a party (CAP at the operations center or network

controller at the head end) other than the broadcaster (external sources) and that is

contain:

a description about the corresponding content within the one or more content streams

(category, rating, etc.);

a time at which the corresponding content is transmitted by the first receiver section;

and content identifier; the announcement is not received via the broadcaster (program

control information is created by CAP at operations center; and modified by network

controller at the headend. It is not received via external sources). Hendricks also

discloses parental lock (col. 14, line 14); and the user can select to control program

display based on program rating (col. 32, lines 15-19). However, Hendricks does not

specifically disclose a controller that compares the one or more announcements to a

filter record and that alters a presentation when the comparison of the one or more

announcement to the filter record indicates a correspondence between the one or more

announcements and the at least one user preference for altering the presentation in the

filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Hendricks to

use the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

Regarding claim 6, Hendricks discloses a delivery system comprising operation center

202 receives television programs from external program sources 212, the received

television programs then packaged into the groups and categories by a programmer

and computer assisted packaging (CAP). After the CAP packets the programs, it

creates a program control information signal to be delivered with the program package

by program delivery 204 to the cable modem and/or set top terminal 220. The program

control information is modified at the headend; The program control information

contains a description of the contents of the program package, commands to be sent to

the cable head end and/or set top terminal and other information relevant to the signal

transmission (see col. 6, line 4-col. 7, line 14). Hendricks further discloses the program

control signal includes: number of program categories, names of program categories,

what channels are assigned to a specific category (such as special channels), names of

channels, name of programs on each channel, program start times, length of programs,

description of programs, menu assignment for each program, pricing, whether there is a

sample video clip for advertisement for the program, and any other program, menu or

product information (see col. 12, lines 54-63) rating 1166 (figure 11a); In addition,

Hendricks teaches the terminal creates a personal profile for the particular viewer.

Using the data in the particular viewer's personal profile, subscriber mood information

and the television program information available in the program control information

signal, the microprocessor 602 in the set top terminal 220 is able to select a group of

programs, which the particular viewer is most likely watch (see col. 29, line 1- col. 38,

line 33). Thus, Hendricks teaches a segment announcement system (television delivery

system 200) comprising:

an analyzer (CAP or signal processor) that analyzes a content of one or more content

streams;

announcement generator (CAP or network controller) that creates an announcement

(program control signal) containing description about the content of one or more of the

content streams (program packet);

a transmitter section (delivery 204 or transmitter in headend 208) that sends the

announcement to one or more receivers (set top terminal 220 and display 222) using a

signal, the announcement being added to the signal by a party (CAP or network

controller) other than the broadcaster (external sources) of the content; wherein the

announcement is not received via the broadcaster (program control information is not

received via external sources). Hendricks also discloses parental lock (col. 14, line 14);

and the user can select to control program display based on program rating (col. 32,

lines 15-19). However, Hendricks does not specifically disclose a controller that

compares the one or more announcements to a filter record and that alters a

presentation when the comparison of the one or more announcement to the filter record

indicates a correspondence between the one or more announcements and the at least

one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Hendricks to

use the teaching as taught by Kwoh in order to allow parent to control data displayed to

children.

Regarding claim 7, Hendricks et al. teaches a system as discussed in the rejection of

claim 6 wherein the analyzer comprises a programmer (see col. 6, lines 35-52).

Regarding claim 9, Hendricks et al. discloses the announcement comprises a time

associated with the content stream (see col. 20, lines 57-67).

Regarding claim 10, Hendricks et al. discloses the announcement further comprises a

content stream identifier (see col. 20, line 57+).

Regarding claim 11, Hendricks in view of Kwoh teaches a system as discussed in the

rejection of claim 6. Hendricks further discloses set top terminal 220 comprises tuner

603 and modem 627 for receiving the content stream and the announcement (see figure

4).

Regarding claim 12, Hendricks teaches a process comprising:

providing an announcement (program control signal or STTCIS) by a party (CAP or

network controller) other than a broadcaster (external sources) of the content stream

(content in packet streams);

receiving the content stream, the announcement having a description about a content of

the content stream (see figures 1-2);

matching the description to the content stream (program control information is created

after the television programs is packaged and program control information and

television are sent to headend and/or set top terminal 220. The set top terminal uses the

program control information to generate a menu, User select an icon on the menu to

display television program correspond to the selected icon- see figures 1, 12a or the

programmer enter program control signal that matches the programs received from

external network); the announcement is not provided via the broadcaster (the program

control information is not provided via external sources –figures 1-2). Hendricks also

discloses parental lock (col. 14, line 14); and the user can select to control program

display based on program rating (col. 32, lines 15-19). However, Hendricks does not

specifically disclose presenting the content in accordance with at least one user

preference in a filter record when a comparison with the filter record indicates a

correspondence between the filter record and the description in the announcement.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches presenting the content in accordance with at least one user

preference in a filter record (data stored in RAM 84) when a comparison with the filter

record indicates a correspondence between the filter record and the description in the
announcement. Therefore, it would have been obvious to one of ordinary skill in the art
at the time the invention was made to modify Hendricks to use the teaching as taught by
Kwoh in order to allow parent to control data displayed to children.

Regarding claim 13, the limitation of the segment announcement receiver correspond to
the limitations of the process as claimed in claim 12 and are analyzed as discussed in
the rejection of claim 12.

Regarding claim 14, Hendricks in view of Kwoh teaches the receiver as discussed in the
rejection of claim 1. Kwoh further teaches presenting section (monitor 442) for
presenting the content stream, wherein the controller (command controller in parental
control circuit 40) controls presenting section to alter the presentation (present
acceptable data to monitor- figures 12, 18).

Regarding claim 15, Hendricks in view of Kwoh teaches the receiver as discussed in the
rejection of claim 5. Kwoh further teaches presenting section (monitor 442) for
presenting the content stream, wherein the controller (command controller in parental
control circuit 40) controls presenting section to alter the presentation (present
acceptable data to monitor- figures 12, 18).

Regarding claim 16, Hendricks in view of Kwoh teaches the receiver as discussed in the

rejection of claim 6. Kwoh further teaches presenting section (monitor 442) for

presenting the content stream, wherein the controller (command controller in parental

control circuit 40) controls presenting section to alter the presentation (present

acceptable data to monitor- figures 12, 18).

Regarding claim 17, Hendricks in view of Kwoh teaches the receiver as discussed in the

rejection of claim 11. Kwoh further teaches presenting section (monitor 442) for

presenting the content stream, wherein the controller (command controller in parental

control circuit 40) controls presenting section to alter the presentation (present

acceptable data to monitor- figures 12, 18).

Regarding claim 18, Hendricks teaches the receiver section receives announcement via

a first communication connection (cable modem 627 – figure 4) and wherein the content

stream is provided on a second communication connection (tuner 603 – figure 4) that is

separate from the first communication connection.

Regarding claims 19-23, the limitations as claimed correspond to the limitations of claim

18 and are analyzed as discussed in the rejection of claim 18.

Regarding claim 25, Hendricks further discloses the receiver section received the one or

more announcements via a telephone network (col. 19, lines 33-35 and figure 4) and

wherein the one or more content streams are provided on a communication connection

that is separate from the telephone network (tuner 603 – figure 4).

Regarding claim 26, Hendricks further discloses the one or more content streams are

provided on cable television network (via tuner 603) and wherein the receiver section

receives the one or more announcements via connection (modem 627) that is

completely independent of the one of a cable television network (figure 4).

Regarding claim 29, Hendricks further teaches the announcement is received via a data

network (modem 627) and wherein the one or more content streams are provided on a

communication connection (via tuner 603) that is separate from the data network (figure

4).

6.   Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et

al. (US 5,798,785) and Kwoh et al. (US 6,115,057) as applied to claim 7 above, and

further in view of Menard et al. (US 6,061,056).

Regarding claim 8, Hendricks in view of Kwoh teaches a system as discussed in the

rejection of claim 7. However, neither Hendricks nor Kwoh explicitly disclose electronic

signal processor includes video image process that queries by image content.

Menard et al. discloses a system for automatically monitoring broadcast, such as television broadcasts, and detecting content of particular interest to individual viewer comprising video capture 9, closed caption capture 10 and audio capture 11 wherein the video or audio or closed caption of the television were captured and compared to the stored data. If the captured data matches the stored data, the receiver receives an alert that indicate the on the screen. If a display has been requested, unit 417 cause unit 418 to start displaying the video, audio and closed caption (see figures 1 and 5). Necessarily, Menard et al. teaches the electronic signal processor includes video image processor that queries by image content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Kwoh to use the teaching as taught by Menard et al. in order to reduce labor cost at the operation center and provide an desired data to user.

7.   Claims 24, 27-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 5,798,785) and Kwoh et al. (US 6,115,057) as applied to claim 1 above, and further in view of Birdwell et al. (US 6,108,706).

Regarding claim 24, Hendricks in view of Kwok teaches a receiver as discussed in the rejection of claim 1. Hendricks further discloses receiving program control information and content streams in different networks (figure 4). However, neither Hendricks nor Kwok specifically disclose receiving announcement via the Internet.

Birdwell teaches receiving announcements via second link such as Internet (col. 2, lines 6-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Kwok to use the teaching as taught by Birdwell in order to maximize the number of users that receive the announcement.

Regarding claim 27, Hendricks in view of Kwok teaches a receiver as discussed in the rejection of claim 1. Hendricks further discloses receiving program control information and content streams in different networks (figure 4). However, neither Hendricks nor Kwok specifically disclose receiving announcement via a radio broadcast.

Birdwell teaches receiving announcements via second link such as radio network (col. 2, lines 6-15; col. 4, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Kwok to use the teaching as taught by Birdwell in order to provide the announcement to radio listener.

Regarding claim 28, Hendricks in view of Kwok teaches a receiver as discussed in the rejection of claim 1. Hendricks further discloses receiving program control information and content streams in different networks (figure 4). However, neither Hendricks nor Kwok specifically disclose receiving announcement via a satellite broadcast.

Birdwell discloses unidirectional network includes satellite network (col. 3, lines 26-35) and receiving announcements via unidirectional network (e.g. paging, radio network, and cellular network) that is independent of the primary broadcast network (col. 4, lines 5-10; lines 36-39). Inherently, the announcement is received via a satellite broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Kwok to use the teaching as taught by Birdwell in order to provide quickly provide announcement to users.

Regarding claim 30, Hendricks in view of Kwok teaches a receiver as discussed in the rejection of claim 1. Hendricks further discloses receiving program control information and content streams in different networks (figure 4). However, neither Hendricks nor Kwok specifically disclose receiving announcement via physical transport of a storage media.

Birdwell teaches receiving announcements via physical transport of a storage media (storage at publicly accessible site on the network -col. 2, lines 12-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Kwok to use the teaching as taught by Birdwell in order to provide flexibility in time to access the announcement.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Logan et al. (US 6,088,455) discloses methods and apparatus for selectively

reproducing segments of broadcast programming.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Son P Huynh whose telephone number is 703-305-

1889. The examiner can normally be reached on 8:00-5:30.

11.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

12.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
January 7, 2005

HAI TRAN
PRIMARY EXAMINER